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COMMERCE DEPARTMENT FOR MAC/3323 CHERIE RUSNAK AND MAC/3319
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TAGS: [KIPR](#) [ECON](#) [ETRD](#) [GR](#)
SUBJECT: SHOPPING AROUND THE SPECIAL 301 ACTION PLAN SHOWS
GOG NEEDS A GOOD JOLT

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Classified By: Ambassador Charles P. Ries for Reasons 1.4 (b,d)

11. (C) Since receipt of the Action Plan for IPR in Greece in April, Mission elements have discussed it with MFA, MinFin, and Ministry of Culture. We have made it clear to all that Greece dodged a bullet this year, but that it won't be able to do so a second time without significant improvements in its IPR regime. Reaction at both the Ministry of Culture and Ministry of Finance have been positive, although we predict translating rhetorical commitment to help into concrete actions will be a challenge. Unfortunately, our MFA contacts reacted with what can only be called nonchalance. Mission next steps include an approach to the Ministry of Justice to urge creation of a long-promised IPR training segment for judges and establishment of the Special Attika IPR Court.

Ministry of Finance and Economy

12. (C) On June 22, Economic and Commercial Counselors met with Deputy Minister Christos Folias to present the IPR Action Plan as well as a letter from Commerce Assistant Secretary Bohigian outlining steps the GoG can take to

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improve the bilateral trade and investment relationship. When the discussion turned to IPR, Folias pointed out of his window to street vendors on Constitution Square, saying "I'm certain they're selling counterfeit goods; it's shameful. Greece must do better." Moreover, Folias noted that poor IPR enforcement hurt the GoG through reduced tax receipts, and most importantly through the blot it put on Greece's character as a country. Folias said he planned to meet Minister of Public Order Polydoras in order to find ways of combating the marketing of counterfeit goods: "We need undercover agents to follow these vendors to their suppliers to find out where they get their merchandise. Then we need to cut off the snake from the head." Folias did not feel increased prosecution and arrests at the retail level would particularly improve the situation, again stressing the importance of finding the "big fish" and putting them in jail. Folias stressed that he was happy to meet with USG representatives at any time to discuss IPR issues, and was particularly receptive to meeting with A/S Bohigian in the fall and with the IPR Monitoring Group personnel visiting Greece in mid-July.

Ministry of Foreign Affairs

13. (C) Deputy Economic Counselor and Commercial Counselor presented the Action Plan April 22 to Marina Hondropoulou, Director for Intellectual Property in the MFA B-4 Directorate for International Economic Organizations. (Note: Hondropoulou was the main coordinator for the December 12 2005 IPR conference organized by the MFA. End Note) Although Hondropoulou agreed during the meeting that Greece had an IPR problem, she attacked the statistics on which industry was basing its claims about GoG performance. She claimed that the GoG was working on its own IPR action plan, but was vague about the plan's status and content. Hondropoulou claimed the MFA was in charge of coordinating the GoG's IPR enforcement efforts, but she did not provide any information about specific ways it had been working with other GoG ministries and organizations.

Ministry of Culture: Office of Copyright Protection

14. (C) Economic Counselor presented the Action Plan June 20 to Constantinos Polyzogopoulos, the head of the Ministry of Culture's Office of Copyright Protection. Polyzogopoulos, who has always been a forceful proponent of greatly strengthened Greek IPR protection, welcomed the Plan as a clear and logical way forward. He fully agreed with the Plan's focus on judicial training, and noted he had received an ironclad commitment from the Ministry of Justice to implement a special training session on IPR for Greek judges, which he had personally announced December 12 at the MFA IPR conference. He found it, he said, galling that this commitment had yet to be fulfilled. Polyzogopoulos said he did not fully agree with the Action Plan's points on the establishment of the Attika IPR Session Court, saying that the court as currently foreseen would have jurisdiction for ordinary civil proceedings only. In comparison to the 20 or so cases of this sort, the Greek justice system considered

over 500 injunctions and 2000 criminal proceedings annually. Many of these were incorrectly decided by justices lacking any IPR training; again, the answer was better judicial training. "The justices that consider these cases must have training and expertise; each injunction allows the State to shut down IPR violators on an immediate basis; we need this desperately." He also savaged the MFA's complete lack of follow-up to the December conference, and expressed his belief that the only reason that the conference had taken place was the personal commitment of Deputy Foreign Affairs Minister Stylianides to improving Greece's international image. The MFA directorate in charge of the conference, B-4, was headed up by an incompetent diplomat who did not do anything unless ordered by his superiors.

15. (C) Polyzogopoulos told the Economic Counselor that (e.g.) by his efforts to improve IPR protection, he was serious about his post. He emphasized that his commitment was not limited to the efforts to push through a new fine to be imposed on counterfeit merchandise had been a last minute effort by the last minute approach of the Business Association (BSA) representative to a level in contravention of EU law. As a result of BSA's efforts, progress on the fee had been delayed by months. He hoped all the relevant ministers will have signed the newest version of this proposal in time for it to be submitted to Parliament by the end of the summer. Polyzogopoulos said industry was also not universally paying the legally-required IP fees that funded his office and said he had taken the Hellenic Society for the Protection of Intellectual Property (IIP) to court to get the overdue monies. The case was now before the Supreme Court of Greece (Areos Pagos). (Note: In the past, Polyzogopoulos has told us that increased funding from other entities, especially the GoG, have allowed him significantly to expand his staff and activities. This remains true, in spite of the current dispute with IIP. End Note.)

¶6. (C) While individuals such as Polyzogopoulos and Folias give us faith that the GoG has people willing to fight for good IPR protection, they have an uphill battle. Polyzogopoulos made it clear that he and his organization have little power on their own to effect change. As for Folias, he has many things on his plate; whatever his personal commitment to IPR protection, we do not believe that he completely understands the seriousness of the country's Special 301 vulnerability and do not expect him at this point to lead the required follow up. In order to push this point home, on the way out of the meeting with Folias, Economic and Commercial Counselors told Folias' assistant that lack of Greek action this year meant that Greece may well find itself on the Special 301 watch list next year. We explained what the list was, and urged her to speak with Polyzogopoulos to hear from a Greek who understands IPR and the situation Greece is facing. She promised to do so, and we hope this will result in a new opportunity to engage MinFin. As for MFA, we believe meetings Commerce and State plan to have with representatives from the Greek Embassy are an excellent opportunity to make the point at a high level that the GoG must take action now on IPR. We plan to go into MFA again at a higher level to reinforce that message here. We have requested a meeting with the Ministry of Justice official responsible for the Ministry's judicial training to urge him to make good on the GoG's promise to institute judicial IPR training.

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